

The Human Rights Act (HRA)

This ILiS Easy Ready DIY guide:

- Introduces the Human Rights Act (HRA)
- Tells you how to use the HRA to help you gain your rights as a disabled person.
- Tells you where you can get more information.

The guide is in five parts:

- 1. What is the Human Rights Act?**
- 2. What does the Human Rights Act say?**
- 3. Examples of the Human Rights Act**
- 4. How can I use the Human Rights Act?**
- 5. Where can I get more information?**

1. What is the Human Rights Act?

‘Human Rights’ are basic rights and freedoms. We should all expect to have these rights met. After the Second World War the United Nations (UN) was created. The UN is a way for many countries in the world to work together.





The Human Rights Act (HRA) became law in the United Kingdom (UK) in 2000. All public bodies in the UK have to follow the HRA. Public bodies are organisations like the government, local councils, the health service and the courts.

2. What does the Human Rights Act (HRA) say?

Twelve human rights are set out in the HRA.

These are called “articles”. Four more rules are also covered in the Act.

The twelve main articles of the HRA are:

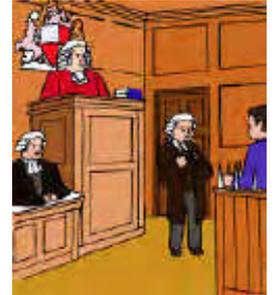
- **The right to life** (Article 2). This means no one has the right to take away your life.
- **The prohibition of torture or inhuman or degrading treatment** (Article 3). This means you should be treated with respect and dignity.
- **The prohibition of slavery and forced labour** (Article 4). This means you cannot be forced to work.



- **The right to liberty and security** (Article 5).

This means you have a right to freedom and safety.

- **The right to a fair trial** (Article 6). This means if you break the law you should be given a fair trial.



- **No punishment without law** (Article 7). This means you cannot be punished unless the law says so.

- **The right to respect for private and family life** (Article 8). This means people must give you privacy. It also means you have the right to live as you chose with your family.



- **Freedom of thought, conscience and religion** (Article 9). This means no one is allowed to tell you how to think. It also means you should be able to practice your religion.

- **The right to freedom of expression** (Article 10). This means the right to show what matters to you. For example could be wearing what you like or writing about what is important to you.

- **The right to freedom of association and assembly** (Article 11). This means you can join a group like a trade union. It also means you can go on a march or demonstration.



- **The right to marry and found a family** (Article 12). This means by law you have the right to get married and have children.



- **The prohibition of discrimination** (Article 14). This means no one should treat you badly because you are different to them.

Some rights are “**absolute rights**”. This means they cannot be broken under any circumstances. One of these is that we cannot torture people.

Some rights are “**limited or qualified rights**”. This means that the government or public bodies can sometime reduce our rights. For example:

- Someone who is sent to prison will lose their right to liberty, or freedom (Article 5).
- Freedom of expression (Article 10) does not allow you to abuse other people.

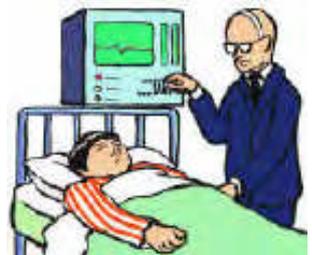
3. Examples of human rights.

Independent living for disabled people is about human rights. Your human rights should be protected and supported. When disabled people do not have choice and control, they can lose their dignity and freedom. Some of rights in the HRA are very important to many disabled people. Here are some examples:

Article 2 - Right to life

This means public authorities cannot take away your life. For example:

A disabled woman was admitted to hospital with a chest infection. A 'Do Not Resuscitate' (DNR) order was placed on her file. This means that medical staff would not take action to save her life if she became more ill.



The DNR order was made by medical staff. They thought she had a low quality of life because she was disabled. This could be challenged as a breach of the right to life.

Article 3 - Right not to be treated in an inhuman or degrading way

This right is about dignity. Sometimes disabled people face terrible experiences in health or care settings.



For example:

A disabled woman was sent to prison for seven days. She was a wheelchair user. She was put in a cell which was very cold. She could not reach her bed. She could not keep clean or use the toilet. A court agreed she had not been treated with dignity.

Article 8 - Right to private and family life

This is about how you are able to live with those closest to you.



For example:

A disabled gay man asked for support to go to a gay pub. The support manager refused. He said none of his staff would go to a gay pub. This could be challenged because the disabled man has a right to have his private life supported.

Article 14 – Right not to be discriminated against

The Disability Discrimination Act (DDA) offers wider general protection against discrimination.

For example:

A young person with autism left home at 16 to live in a local council flat. His tenancy agreement (contract) was different from other peoples. He felt he was being discriminated against in relation to his right to a private or family life.



The HRA is important because it shapes public services that are delivered to disabled people.

All providers of public services, such as health workers, residential support staff or education providers must respect your human rights.

It can be better to use the HRA to force public authorities to change the way they do things. This changes things for more people. This also means an individual may not have to take a personal case to court.

4. How can I use the Human Rights Act?

If you think any public body has stopped you getting your human rights you can take action.

Here are some ideas for taking action:

1. Try and sort it out: meet with them or write a letter. They may not know about the problem.



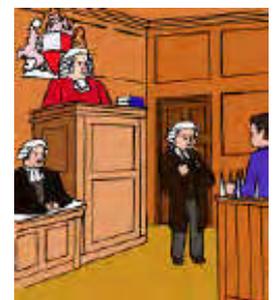
2. Use their formal complaints process: this should be open and accessible to you.

3. Raise it with the one of the Commissions: details of these are on page 9 of this guide.



4. Complain to the public sector ombudsman: this organisation that makes sure public bodies are working properly.

5. Take a case to court: This can be a long and difficult process. You should get legal advice.



6. Judicial Review: This is when a judge will look at your case and decide if the public authority has broken the law. You should get legal advice.

5. Where can I get more information?

A lot of information is available online. Ask someone to help you find the information you need. Most websites have information in other formats. If they do not, you could ask them to make their information accessible to everyone.



The British Institute for Human Rights has a full guide on Human Rights for disabled people:

www.bihhr.org.uk/documents/guides/a-guide-for-disabled-people.

The Equality & Human Rights Commission

promotes and enforces human rights in the UK.

Their website is at www.equalityhumanrights.com

The Scottish Human Rights Commission is responsible for human rights in devolved issues in Scotland: www.scottishhumanrights.com.

United Nations High Commissioner for Human Rights has some useful information at:

www.ohchr.org/EN/PublicationsResources/Pages/T rainingEducation.aspx

Space for you to write notes

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